

103^D CONGRESS
1ST SESSION

H. R. 2895

To amend the Social Security Act to provide for timely review of disability claims and to provide for presumed disability in cases of delayed disposition of such claims.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1993

Mr. NEAL of North Carolina introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Social Security Act to provide for timely review of disability claims and to provide for presumed disability in cases of delayed disposition of such claims.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Disabil-
5 ity Review Standards Act of 1993”.

6 **SEC. 2. REQUIREMENT OF FACE-TO-FACE MEETING IN DIS-**
7 **ABILITY DETERMINATIONS.**

8 Section 221(h) of the Social Security Act (42 U.S.C.
9 421(h)) is amended—

1 (1) by redesignating such subsection as sub-
2 section (h)(2); and

3 (2) by adding at the beginning of such sub-
4 section the following new paragraph:

5 “(h)(1) Any initial determination under subsection
6 (a) or (g) that an individual applying for benefits under
7 this title is not under a disability shall be made only after
8 such individual has been provided a reasonable oppor-
9 tunity for a face-to-face meeting with a disability examiner
10 who is authorized under this section to make disability de-
11 terminations pursuant to such individual’s application.”.

12 **SEC. 3. STANDARDS FOR TIMELY REVIEW OF DISABILITY**
13 **CLAIMS.**

14 Section 221(k) of the Social Security Act (42 U.S.C.
15 421(k)) is amended by adding at the end the following
16 new paragraph:

17 “(3) The Secretary shall take such actions as are nec-
18 essary to ensure that, to the maximum extent prac-
19 ticable—

20 “(A) an initial determination of whether an in-
21 dividual who has applied for disability insurance
22 benefits under section 223 or benefits under section
23 202 based on such individual’s disability is under a
24 disability shall be made not later than 30 days after
25 the date on which such application is filed,

1 “(B) in any case in which, pursuant to the ap-
2 plication, an initial determination is made that the
3 individual is not under a disability and the individual
4 does not fail to timely request reconsideration of
5 such determination, a determination on reconsider-
6 ation of whether the individual is under a disability
7 shall be made not later than 90 days after the date
8 on which such application is filed, and

9 “(C) in any case in which, on reconsideration,
10 a determination is made that the individual is not
11 under a disability and the individual does not fail to
12 timely request a hearing under subsection (d) on
13 such determination, a determination of whether the
14 individual is under a disability shall be made pursu-
15 ant to such a hearing not later than 150 days after
16 the date on which such application is filed.”.

17 **SEC. 4. PRESUMED DISABILITY IN ABSENCE OF TIMELY**
18 **DISABILITY DETERMINATIONS.**

19 (a) PRESUMED DISABILITY UNDER TITLE II OF THE
20 SOCIAL SECURITY ACT.—Section 221 of the Social Secu-
21 rity Act (42 U.S.C. 421) is amended by adding at the end
22 the following new subsection:

23 “Presumptive Disability

24 “(m)(1) In any case in which—

1 “(A) an individual applying for benefits under
2 section 223 or benefits based on such individual’s
3 disability under section 202 meets the requirements
4 for entitlement to such benefits other than the re-
5 quirement that the individual be under a disability,

6 “(B) as of 150 days after the date on which the
7 individual filed the application for such benefits, a
8 final determination of whether the individual is
9 under a disability has not been made, and

10 “(C) the individual has in a timely manner
11 taken such actions as are necessary to preserve such
12 individual’s rights to administrative review under
13 this title,

14 such individual shall be presumed to be under a disability
15 for each month during the period of months beginning
16 with the first month after the expiration of such 150-day
17 period and ending with the month in which action is taken
18 to implement a final determination of whether the individ-
19 ual is under a disability.

20 “(2) Any benefits paid to an individual under this
21 title on the basis of presumed disability under this sub-
22 section for months during the period of months described
23 in paragraph (1), and benefits paid to another person
24 under this title for such months on the basis of such pre-
25 sumed disability, shall in no event be considered overpay-

1 ments for purposes of section 204 solely because such indi-
2 vidual is determined not to be under a disability.”.

3 (b) PRESUMED BLINDNESS OR DISABILITY UNDER
4 TITLE XVI OF THE SOCIAL SECURITY ACT.—Section
5 1631(a) of such Act (42 U.S.C. 1383(a)) is amended by
6 adding at the end the following new paragraph:

7 “(10)(A) In any case in which—

8 “(i) an individual applying for benefits under
9 this title meets the requirements for entitlement to
10 such benefits other than the requirement that the in-
11 dividual be blind or disabled,

12 “(ii) as of 150 days after the date on which the
13 individual filed the application for such benefits, a
14 final determination of whether the individual is blind
15 or disabled has not been made, and

16 “(iii) the individual has taken such actions as
17 are necessary to preserve such individual’s rights to
18 administrative review under this section,

19 such individual shall be presumed to be blind or disabled
20 for each month during the period of months beginning
21 with the first month after the expiration of such 150-day
22 period and ending with the month in which action is taken
23 to implement a final determination of whether the individ-
24 ual is blind or disabled.”.

1 **SEC. 5. EFFECTIVE DATE; STUDY OF STAFF NEEDS.**

2 (a) EFFECTIVE DATE.—The amendments made by
3 this Act shall apply with respect to applications for bene-
4 fits under title II or XVI of the Social Security Act filed
5 after 180 days after the date of the enactment of this Act.

6 (b) STUDY OF STAFF NEEDS.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of the enactment of this Act, the Secretary
9 of Health and Human Services shall conduct a study
10 of any additional staff needs required to implement
11 the amendments made by this Act.

12 (2) REPORT.—Not later than 30 days after the
13 date of the enactment of this Act, the Secretary of
14 Health and Human Services shall submit to the
15 Committee on Ways and Means of the House of
16 Representatives and the Committee on Finance of
17 the Senate the results of the study conducted under
18 paragraph (1), together with any recommendations
19 which the Secretary finds appropriate.

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